

Amendment and Response

Applicant: Craig R. White

Serial No.: 09/781,654

Filed: February 12, 2001

Docket No.: 10003981-1 (H302.131.101)

Title: AGGREGATION OF SERVICES ON NETWORK PORTALS

REMARKS

The following remarks are made in response to the Office Action mailed May 6, 2005. Claims 1-3, 5-6, 10-15, 23, 25-26, and 35-36 were rejected. With this Response, claims 1-3, 5-6, 10-12, 15, 23, 25-26, and 35 have been amended. Claims 1-3, 5-6, 10-15, 23, 25-26, and 35-36 remain pending in the application and are presented for reconsideration and allowance.

Objection to the Specification

In the Office Action, the specification was objected to regarding Figure 4 in the Brief Description of Drawings. Applicant has amended the specification to modify the description of Figure 4 in the Brief Description of Drawings and believes that these changes obviate the objection, and withdrawal of the objection is respectfully requested.

In the Office Action, the drawings were objected to regarding the specification including elements 24, 42, and 300 which were said to be omitted from Figure 4. Applicant has amended the specification on pages 10 to modify the description of these elements in association with Figure 4 so that in each instance on page 10 in which elements 24 and 42 are mentioned, the elements refer parenthetically to Figure 1 thereby making clarifying where those elements are primarily illustrated. Moreover, Applicant also maintains that the phrase regarding “further described in association with Figure 6 provides sufficient basis to clearly understand the reference numeral 300 as applied to the term “service document”. Applicant believes that these changes to the specification obviate the objection to the drawings, and withdrawal of the objection is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

In the Office Action, claim 15 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite regarding the database being separated from the network portal.

Claim 15 has been amended to specify a third party database, clearly drawing a distinction between the relationship of the network portal to the database of service providers. Contrary to the assertion in the Office Action, this relationship provides a significant functional aspect to Applicant’s method, in that a third party database, enables service

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providers to associate in a database without prior authorization or approval from the network portal. This arrangement enables service providers to present themselves for inclusion on the network portal interface, via keyword links, apart from a conventional contract mechanism between the service provider and the network portal to appear on the network portal interface. The independent dynamic service provider database, which is not part of the network portal, helps maintain the independence of the service providers while providing a broad-based, open market forum through which the network portal can identify service providers to associate with its keyword links on the network portal interface. Accordingly, Applicant's method in claim 15 sets forth "what Applicant regards as the invention" in meaningful and definite claim language that is patentably distinguishable over the prior art, as demonstrated below. Accordingly, Applicant respectfully requests withdrawal of the Section 112 rejection of claim 15.

In the Office Action, claims 25-26 were rejected for being indefinite for depending from canceled claim 24. Applicant has amended claims 25 and 26 to depend from independent claim 23, thereby obviating the rejection.

Accordingly, Applicant respectfully requests that the above rejection of claims 15, and 25-26 under 35 U.S.C. § 112 be withdrawn.

Claim Rejections under 35 U.S.C. § 103

In the Office Action, claims 1-3, 15, 23, 35 and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Triggs GB 2329488 A (Triggs) in view of Krishan U.S. Patent 6,442,529 (Krishan).

Applicant's amended independent claim 1 specifies a method for providing a network portal.

Triggs discloses a remote database containing a plurality of subject headings and a plurality of provider computers that arrange for storage of their address (to an information source) in the remote database under one of the subject headings. A user computer directly accesses the remote database and directly selects an address of an information source under one of the subject headings in the remote database. See Triggs at Page 1, lines 25-37, Page 2, lines 15, 24-26.

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However, Triggs does not disclose operating a network portal interface including, among other things, initiating construction of the network portal interface upon each instance that at least one user interface device requests to access the network portal interface, as claimed by Applicant in amended independent claim 1. Instead, Triggs discloses provider computers (with servers), user computers, and a remote database. However, Triggs does not disclose a network portal interface, in addition to a dynamic service provider database and at least one user interface device, wherein the at least one user interface device accesses the network portal interface, which stands between, and acts as an active agent between, the at least one user interface device and the dynamic service provider database. For example, in Applicant's method, the network portal selects a subset of first service providers from a plurality of first service providers, according to a predetermined criteria, thereby acting actively to determine the service providers represented by the keyword links displayed on the network portal interface.

In contrast, Triggs is also silent about the network portal reconstructing the network portal interface upon each instance that the at least one user interface device accesses the network portal interface because any "inherent portal" (which Triggs does not disclose, but is asserted in the Office Action), would merely be a passive conduit. Triggs cannot be read to disclose any inherent portal that is active, as Applicant's network portal, when Triggs fails to affirmatively discuss such a portal. Moreover, Triggs teaches away from an active portal because Triggs emphasizes the direct access between the user computer and remote database 13 with no mention of any intervening portal. See page 2, lines 15, 24-26.

Consequently, Triggs does not disclose the aspects of Applicant's claimed method of claim 1 in which the network portal (and/or network portal interface) actively interacts with the dynamic service provider database, in the interest of the network portal and/or on behalf of a user.

In a related aspect claimed by Applicant, the network portal accesses a dynamic service provider database that includes a listing of a plurality of first service providers that have self-selected their inclusion, independent from control by the network portal, into the dynamic service provider database. Self-inclusion by the service providers is not available with conventional passive portals (as asserted in the Office Action) which lack an

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independent or third party database because the conventional portal typically selects the service providers that in its database or conducts its own search to pick them.

However, in Applicant's claimed method, the network portal selects, according to predetermined criteria, a subset of first service providers from the plurality of first service providers of the dynamic service provider database. In contrast, Triggs does not disclose any mechanism independent of either a user interface device or the database, that selects the subset of the service providers in the database. Therefore, in Applicant's method, the user has indirect access to the database because the network portal interface acts as a selector, not a passive conduit, to become an active intermediary between the user interface and the database.

Therefore, Triggs also fails to disclose the network portal then displays at least one first keyword-service link on the network portal interface in association with the selected (by the network portal according to predetermined criteria) subset of first service providers from the dynamic service provider database. In contrast, Triggs discloses that its computer network displays subject headings in association with provider computers in remote database 13 but does not disclose a separate network portal interface that includes its own display of type-of-service keywords associated with a subset of first service providers selected by a network portal, as claimed by Applicant.

In another aspect claimed by Applicant, the network portal accesses a fixed service provider database that includes a listing of a plurality of first service providers for which the network portal has selected their inclusion into the fixed service provider database, and then displays at least one second keyword-service link on the network portal interface in association with the listing of the plurality of second service providers from the fixed service provider database. Triggs discloses that its computer network displays subject headings in association with provider computers in remote database 13, but does not disclose a network portal interface (distinct from remote database 13) that displays keyword-service links in association with a fixed service provider database.

Consequently, Triggs fails to disclose, a reconstructed network portal interface in which the first keyword-service links associated with the dynamic service provider database and the second keyword-service links associated with the fixed service provider database are both displayed on the network portal interface, as claimed by Applicant.

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Krishan fails to cure the deficiencies of Triggs regarding amended independent claim 1 as Krishan is directed to one manner of advertising over the internet rather than a method of providing a network portal, as claimed by Applicant. The Office Action asserts (and which Applicant's do not admit) Krishan as teaching a network portal interface that displays links in association with a fixed service provider database. Accordingly, among other deficiencies, Krishan fails to disclose a dynamic service provider database in which the service providers self select their inclusion and through which the network portal selects a subset of first service providers from the dynamic service provider database, as claimed by Applicant.

Moreover, in addition to these deficiencies, neither Krishan nor Triggs suggests modification of the other to achieve Applicant's claimed method:

Accordingly, one cannot combine Triggs and Krishan, and arrive at Applicant's claim 1.

For these reasons, Triggs and/or Krishan fails to teach or suggest Applicant's independent claim 1. Accordingly, Applicant believes that claim 1 is patentable over Triggs and Krishan. Claims 2-3 and 5-7 are also believed to be patentable over Triggs and Krishan based on their dependency from patentably distinct independent claim 1.

For substantially the same reasons as presented for patentability of claim 1, Triggs fails to disclose Applicant's amended independent claim 35 which is directed to a computer readable medium having computer-executable instructions for performing a method of constructing a network portal -- the method including substantially the same limitations as claim 1. For these reasons, Triggs fails to teach or suggest amended independent claim 35, and therefore Applicant's amended independent claim 35 is patentable and allowable over Triggs.

Applicant's amended independent claim 15 specifies a method for a service provider to offer services to a user interface device through a type-of-service keyword link on a network portal interface.

Triggs discloses a remote database containing a plurality of subject headings and a plurality of provider computers that arrange for storage of their address (to an information source) in the remote database under one of the subject headings. A user computer directly accesses the remote database and directly selects an address of an information source under

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one of the subject headings in the remote database. See Triggs at Column 1, lines 25-37, Column 2, lines 15, 24-26.

However, Triggs does not disclose advertising a service document for inclusion into a third party database of service providers to be accessed by the network portal interface, the third party database being controlled by a third party operator independent from the network portal with each service provider self-selecting their inclusion into the database, as claimed by Applicant in amended independent claim 15.

Instead, Triggs discloses provider computers (with servers), user computers, and a remote database. However, Triggs does not affirmatively disclose a network portal interface, in addition to a third party database of service providers and a user interface device, wherein a user interface device accesses the network portal interface, which stands between the user interface device and the third party database. Moreover, Triggs does not affirmatively disclose a network portal interface including its own display of type-of-service keywords, as claimed by Applicant.

In another aspect of amended independent claim 15, the service provider indirectly receives a service request from the user interface device via activation of the type-of-service keyword link on the network portal interface, and provides the requested services from the service provider to the user interface device via the type-of-service keyword link of the network portal interface. With only provider computer, user computers, and remote database 13, and no network portal interface as claimed by Applicant, Triggs is limited also fails to disclose these aspects of Applicant's claimed method.

Moreover, the assertions in the Office Action that Triggs inherently discloses a portal fall short because, even if Triggs did disclose such a portal (which Applicant does not admit), Triggs does not actually or inherently disclose keyword linking to a third party database by which service requests are made to a service provider by a user interface device, as claimed by Applicant.

Krishan fails to cure the deficiencies of Triggs regarding amended independent claim 15 as Krishan is directed to one manner of advertising over the internet rather than a method of providing a network portal, as claimed by Applicant. The Office Action asserts (and which Applicant's do not admit) Krishan as teaching a network portal interface that displays links in association with a fixed service provider database. Accordingly, among other

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deficiencies, Krishan fails to disclose a third party database which is operated independently from the network portal, in which service providers self-select their inclusion (thereby being dynamic and not fixed), and from which the network portal selects and displays a type-of-service keyword, as claimed by Applicant. Moreover, neither Krishan nor Triggs suggests modifying the system/method of the other. Accordingly, one cannot combine Triggs and Krishan, and arrive at Applicant's claim 1.

For these reasons, Triggs and/or Krishan fail to teach or suggest Applicant's independent claim 15. Accordingly, Applicant believes that claim 15 is patentable over Triggs and/or Krishan.

Applicant's amended independent claim 23 specifies a method for providing a network portal.

Triggs discloses a remote database containing a plurality of subject headings and a plurality of provider computers that arrange for storage of their address (to an information source) in the remote database under one of the subject headings. A user computer directly accesses the remote database and directly selects an address of an information source under one of the subject headings in the remote database. See Triggs at Column 1, lines 25-37, Column 2, lines 15, 24-25.

However, Triggs does not disclose a system including a network portal interface that comprises, among other things, a controller configured to direct construction of the network portal interface upon each instance of access to the network portal interface by the at least one user interface device, as claimed by Applicant in amended independent claim 23. In one aspect, the construction includes renewing the first link, maintained by the network portal, to the at least one service provider from an updated second listing of first service providers in the third party database.

Triggs discloses provider computers (with servers), user computers, and a remote database. However, Triggs does not disclose a network portal interface, in addition to a third party database and a user interface device, wherein a user interface device accesses the third party database indirectly via a network portal interface, which stands between the user interface device and the third party database. Therefore, Triggs is also silent about constructing the network portal interface upon each instance that the at least one user

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interface device accesses the network portal interface to obtain indirect access to the third party database.

Consequently, Triggs does not disclose the aspects of Applicant's claimed method of claim 23 in which the network portal (and/or network portal interface) interacts with the third party database, in their own interest and/or on behalf of a user. In one aspect claimed by Applicant, the network portal displays a first link on the network portal interface, and maintained by the network portal, to the at least one service provider. Triggs discloses providing subject headings in remote database 13 for association with the provider computers but does not disclose a separate network portal interface including its own display of a first link to first service providers of a third party database, as claimed by Applicant.

In another aspect of amended independent claim 23, the first service providers of the third party database have self-selected their inclusion into the third party database, where the third party database is operated independently from the network portal interface device and the first link is displayed on the network portal interface.

In contrast, **Triggs** discloses that its computer network displays subject headings in association with provider computers in remote database 13 but **does not disclose a separate network portal interface that includes its own first link to the type of third party database specified by Applicant**. Accordingly, the portal (asserted in the Office Action as being inherent in Triggs, which Applicant does not admit) is merely passive, lacking any first link maintained by the network portal interface to the at least one service provider(s) at the third party database.

For these reasons, Triggs and/or Krishan fails to teach or suggest Applicant's independent claim 23. Accordingly, Applicant believes that claim 23 is patentable over Triggs and/or Krishan. Claims 25-26, and 36 are also believed to be allowable based on their dependency from patentably distinct independent claim 23.

Applicant believes that independent claims 1, 15, 23 and 35 are patentable and allowable over Triggs and/or Krishan, and therefore, respectfully requests that the above rejection of independent claims 1, 15, 23, and 35 and all claims depending therefrom, under 35 U.S.C. § 103 be withdrawn.

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In the Office Action, claims 5-6, 10-14, and 25-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Triggs in view of Krishan and further in view of Newman U.S. Patent Publication 2002/0069176 (Newman)

Claims 5-6 depend from independent claim 1 and are believed to be allowable based on their dependency from amended independent claim 1, which is believed to be allowable for the reasons previously presented in favor of the patentability of claim 1 over Triggs. In addition, Newman fails to cure the deficiencies of Triggs and/or Krishan regarding amended independent claim 1 as Newman is directed to accumulating and collecting fees related to retrieval of content data, goods, or services rather than a dynamic network portal system a method of constructing a network portal, as claimed by Applicant. Accordingly, one cannot combine Triggs, Krishan, and Newman to arrive at Applicant's claims 5-6.

Applicant's amended independent claim 10 specifies a method for providing a network portal.

Triggs discloses a remote database containing a plurality of subject headings and a plurality of provider computers that arrange for storage of their address (to an information source) in the remote database under one of the subject headings. A user computer directly access the remote database and directly selects an address of an information source under one of the subject headings in the remote database. See Triggs at Column 1, lines 25-37, Column 2, lines 15, 24-25.

However, Triggs does not disclose operating a network portal interface including, among other things, initiating construction of the network portal interface upon each instance that one of a plurality of user interface devices requests to access the network portal interface, as claimed by Applicant in amended independent claim 10. Instead, Triggs discloses provider computers (with servers), user computers, and a remote database. However, Triggs does not disclose a network portal interface, in addition to a dynamic service provider database and a user interface device, wherein a user interface device accesses the network portal interface, which stands between and actively acts between, the user interface device and the dynamic service provider database. Therefore, Triggs is also silent about initiating constructing the network portal interface upon each instance that one or more user interface devices accesses the network portal interface.

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Consequently, Triggs does not disclose the aspects of Applicant's claimed method of claim 10 in which **the network portal** (and/or network portal interface) is an active agent that interacts with the dynamic service provider database, in their own interest and/or on behalf of a user.

In one aspect claimed by Applicant, the network portal submits type-of-service keywords displayed on the network portal interface from the network portal to the dynamic service provider database for matching with types of services offered by service providers listed in the dynamic service provider database. Triggs discloses providing subject headings in remote database 13 for association with the provider computers but does not disclose a separate network portal interface including its own display of type-of-service keywords, as claimed by Applicant.

In another aspect of amended independent claim 10, **the network portal retrieves (not a user computer) from the dynamic service provider database a first subset** of the plurality of first service providers that match the type-of-service keywords displayed on the network portal interface. Triggs does not disclose any such active role for a network portal interface, as distinct from a user computer or provider computer.

In another aspect of amended independent claim 10, **the network portal uses** the list of keyword-matched first service providers from the dynamic service provider database to **identify a second subset of first service providers of the first subset of first service providers that also matches a set of predetermined user profile criteria**. Again, with no network portal acting as an active agent, Triggs fails to disclose such matching relative to a user profile criteria.

In another aspect of amended independent claim 10, **the network portal implements** construction of the network portal interface by **displaying links** on the network portal interface to each first service provider of the **second subset of first service providers** of the plurality of first service providers of the dynamic service provider database, and makes the constructed network portal interface available to the user interface device via the network communication link. With only provider computer, user computers, and remote database 13, and no active network portal as claimed by Applicant, Triggs also fails to disclose these aspects of Applicant's claim of the network portal, **as distinct from the dynamic service provider database**, implementing construction of the network portal interface and making the

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constructed network portal interface available via the user interface devices, such as a web browser.

Krishan fails to cure the deficiencies of Triggs regarding amended independent claim 10 as Krishan is directed to one manner of advertising over the internet rather than a method of providing a network portal, as claimed by Applicant. The Office Action asserts (and which Applicant's do not admit) Krishan as teaching a network portal interface that displays links in association with a fixed service provider database. Accordingly, among other deficiencies, Krishan fails to disclose a third party database in which the service providers self select their inclusion, making the database dynamic, and in which the third party database is operated independently of the network portal interface, as claimed by Applicant.

Accordingly, one cannot combine Triggs and Krishan, and arrive at Applicant's claim 1.

Newman fails to cure the deficiencies of Triggs and Krishan regarding amended independent claim 10 as Newman relates to retrieving and paying for content data, goods and/or services while accumulating small fees incrementally related to the content data, goods and/or services for collection on a periodic basis (See Newman at Column 1, paragraph 2). Newman does not disclose, among other things, a network portal interface, user interface device, and dynamic service provider database which interact in the arrangement claimed by Applicant. Newman fails to disclose, among other things, Applicant's method including a dynamic service provider database whose member service providers self-elect their inclusion in the database independent of a network portal interface that is independent from the dynamic service provider database. In addition, Newman fails to disclose initiating and implementing construction of the network portal interface each time that a user interface accesses the network portal interface in which that construction includes accessing the independent dynamic service provider database. Accordingly, one cannot combine Triggs, Krishan, and/or Newman to arrive at Applicant's claim 10.

For these reasons, Triggs, Krishan, and/or Newman fail to teach or suggest Applicant's independent claim 10. Accordingly, Applicant believes that claim 10 is patentable over Triggs, Krishan, and Newman. Claims 11-14 are also believed to be patentable over Triggs, Krishan, and Newman based on their dependency from patentably distinct independent claim 10.

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Claims 25-26 depend from independent claim 23 and are believed to be allowable based on their dependency from amended independent claim 23, which is believed to be allowable for the reasons previously presented in favor of the patentability of claim 23 over Triggs and Krishan. In addition, Newman fails to cure the deficiencies of Triggs and/or Krishan regarding amended independent claim 23 as Newman is directed to accumulating and collecting fees related to retrieval of content data, goods, or services rather than a dynamic network portal system, as claimed by Applicant. Accordingly, one cannot combine Triggs, Krishan, and Newman and arrive at Applicant's claims 25-26.

Applicant believes that claims 5-6, 10-14, and 25-26 are patentable and allowable over Triggs, Krishan, and/or Newman and therefore, respectfully requests that the above rejection of claims 5-6, 10-14, and 25-26 under 35 U.S.C. § 103 be withdrawn.

Other Issues

Applicant notes that the reference to Matsui and Smart were inadvertent, and Matsui and Smart are not related to the subject matter of the present application. Accordingly, Applicant will not be citing Matsui or Smart in an Information Disclosure Statement and apologizes for any inconvenience or confusion.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-3, 5-6, 10-15, 23, 25-26, and 35-36 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-3, 5-6, 10-15, 23, 25-26, and 35-36 is respectfully requested.

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The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Nathan Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Paul S. Grunzweig at Telephone No. (612) 767-2504, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19th day of January, 2006.

By Paul Grunzweig
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